



Minutes of MAYOR AND COUNCIL Meeting

Approved by Mayor and Council
on June 11, 2013.

Date of Meeting: November 20, 2012

The Mayor and Council of the City of Tucson met in regular session in the Mayor and Council Chambers in City Hall, 255 West Alameda Street, Tucson, Arizona, at 5:31 p.m., on Tuesday, November 20, 2012, all members having been notified of the time and place thereof.

1. ROLL CALL

The meeting was called to order by Mayor Rothschild and upon roll call, those present and absent were:

Present:

Regina Romero
Paul Cunningham
Shirley C. Scott
Richard G. Fimbres
Steve Kozachik
Jonathan Rothschild

Council Member Ward 1
Council Member Ward 2
Council Member Ward 4
Council Member Ward 5
Vice Mayor, Council Member Ward 6
Mayor

Absent/Excused:

Karin Uhlich

Council Member Ward 3

Staff Members Present:

Richard Miranda
Michael Rankin
Roger W. Randolph

City Manager
City Attorney
City Clerk

2. INVOCATION AND PLEDGE OF ALLEGIANCE

The invocation was given by Pastor Otis F. Brown, Siloam Freewill Church, after which the Pledge of Allegiance was presented by the entire assembly.

3. MAYOR AND COUNCIL REPORT: SUMMARY OF CURRENT EVENTS

Mayor Rothschild announced City Manager's communication number 434, dated November 20, 2012, was received into and made part of the record. He also announced this was the time scheduled to allow members of the Mayor and Council to report on current events and asked if there were any reports.

Current event reports were provided by Council Members Romero, Cunningham, Scott, Fimbres, and Vice Mayor Kozachik. A recording of this item is available from the City Clerk's Office for ten years from the date of this meeting.

4. CITY MANAGER'S REPORT: SUMMARY OF CURRENT EVENTS

Mayor Rothschild announced City Manager's communication number 435, dated November 20, 2012, was received into and made part of the record. He also announced this was the time scheduled to allow the City Manager to report on current events, and asked for that report.

Current event report was given by Richard Miranda, City Manager. A recording of this item is available from the City Clerk's Office for ten years from the date of this meeting.

5. LIQUOR LICENSE APPLICATIONS

Mayor Rothschild announced City Manager's communication number 436, dated November 20, 2012, was received into and made part of the record. He asked the City Clerk to read the Liquor License Agenda.

b. Liquor License Application(s)

New License(s)

1. Chevron, Ward 5
6261 E. Benson Hwy.
Applicant: Deloris Mae LaLone
Series 10, City 94-12
Action must be taken by: December 1, 2012

Staff has indicated the applicant is in compliance with city requirements.

NOTE: State law provides that for a new license application, "In all proceedings before the governing body of a city...the applicant bears the burden of showing that the public convenience requires and that the best interest of the community will be substantially served by the issuance of a license". (A.R.S. Section 4-201)

Person Transfer

There are no application(s) for person transfers scheduled for this meeting.

c. Special Event(s)

1. Museum of Contemporary Art, Ward 6
265 S. Church Ave.
Applicant: Dan S. Martin
City T107-12
Date of Event: December 14, 2012
(Art Exhibition Opening Reception)

Staff has indicated the applicant is in compliance with city requirements.

d. Agent Change/Acquisition of Control

1. PF Chang's China Bistro, Ward 3
1805 E. River Rd. #101
Applicant: Joanne Karen Zern
Series 12, City AC23-12
Action must be taken by: December 1, 2012

Staff has indicated the applicant is in compliance with city requirements.

2. Pei Wei Asian Diner, Ward 6
845 E. University Blvd. #135
Applicant: Joanne Karen Zern
Series 12, City AC24-12
Action must be taken by: December 1, 2012

Staff has indicated the applicant is in compliance with city requirements.

3. Pei Wei Asian Diner, Ward 6
5285 E. Broadway Blvd. #151
Applicant: Joanne Karen Zern
Series 12, City AC25-12
Action must be taken by: December 1, 2012

Staff has indicated the applicant is in compliance with city requirements.

NOTE: The local governing body of the city, town or county may protest the acquisition of control within sixty days based on the capability, reliability and qualification of the person acquiring control. (A.R.S. Section 4-203.F)

It was moved by Council Member Fimbres, duly seconded, and carried by a voice vote of 6 to 0 (Council Member Uhlich absent/excused), to forward liquor license applications 5b1, 5c1, and 5d1 through 5d3 to the Arizona State Liquor Board with a recommendation for approval.

6. CALL TO THE AUDIENCE

Mayor Rothschild announced this was the time any member of the public was allowed to address the Mayor and Council on any issue except for items scheduled for a public hearing. Speakers were limited to three-minute presentations.

Mayor Rothschild also announced that pursuant to the Arizona Open Meeting Law, individual Council Members may ask the City Manager to review the matter, ask that the matter be placed on a future agenda, or respond to criticism made by speakers. However, the Mayor and Council may not discuss or take legal action on matters raised during “call to the audience.”

Comments were made by:

Brian Blank

A recording of this item is available from the City Clerk’s Office for ten years from the date of this meeting.

7. CONSENT AGENDA – ITEMS A THROUGH G

Mayor Rothschild announced the reports and recommendations from the City Manager on the Consent Agenda were received into and made part of the record. He asked the City Clerk to read the Consent Agenda.

a. APPROVAL OF MINUTES

1. Report from City Manager NOV20-12-438 CITY WIDE
2. Mayor and Council Regular Meeting Minutes of April 10, 2012
3. Mayor and Council Study Session Legal Action Report and Minutes of April 10, 2012

- b. REAL PROPERTY: AMENDMENT TO EXISTING LEASE WITH DESERT SURVIVORS, INC. FOR PROPERTY LOCATED AT 1020 W. STARR PASS BOULEVARD
 - 1. Report from City Manager NOV20-12-430 WARD 1
 - 2. Ordinance No. 11038 relating to Real Property; authorizing and directing City Staff to negotiate and the City Manager to execute a Second Amendment to the Lease with Desert Survivors, Inc. for the property located at 1020 West Starr Pass Boulevard; and declaring an emergency.
- c. TUCSON CODE: AMENDING (CHAPTER 1), 2012 WARD REDISTRICTING
 - 1. Report from City Manager NOV20-12-429 CITY WIDE
 - 2. Ordinance No. 11033 relating to City wards; redistricting the six wards of the City of Tucson, Arizona pursuant to Chapter XVI, Section 8 of the Charter of the City of Tucson, Arizona; specifying the boundaries and projections of each ward; amending Tucson Code Sections 1-19 and 1-20; and declaring an emergency.
- d. INDUSTRIAL DEVELOPMENT AUTHORITY: AUTHORIZATION OF THE \$10,000,000 JOINT REVOLVING TAXABLE SINGLE FAMILY MORTGAGE PROGRAM OF 2012
 - 1. Report from City Manager NOV20-12-441 CITY WIDE
 - 2. Resolution No. 21972 relating to Finance; a resolution of the Mayor and Council of the City of Tucson, Arizona, approving the Industrial Development Authority of the City of Tucson, Arizona and the Industrial Development Authority of the County of Pima establishing the \$10,000,000 Joint Revolving Taxable Single Family Mortgage Program of 2012; approving standards and requirements related thereto; approving program documents; and declaring an emergency.
- e. PRE-ANNEXATION AND DEVELOPMENT AGREEMENT: WITH THE OWNERS OF THE DESERT WILLOW RANCH PARCELS
 - 1. Report from City Manager NOV20-12-433 OUTSIDE CITY
 - 2. Resolution No. 21970 relating to Pre-Annexation and Development Agreements; authorizing and approving the execution of the Pre-Annexation and Development Agreement between the City of Tucson and Desert Willow Partners, LLC, owners of the Desert Willow Ranch Parcels; and declaring an emergency.

f. ASSURANCE AGREEMENT AND FINAL PLAT: (S09-015) SILVERBELL CROSSINGS

1. Report from City Manager NOV20-12-431 WARD 1
2. Resolution No. 21968 relating to Planning: authorizing the Mayor to execute an Assurance Agreement securing the resubdivision of vacant property for 143 lots on 31.69 acres; approving a final plat in Case No. S09-015 and declaring an emergency.
3. Staff recommends that the Mayor and Council approve the assurance agreement and the final plat as presented. The applicant is advised that building/occupancy permits are subject to the availability of water/sewer capacity at the time of actual application.

(This item was continued at the request of Staff.)

g. GRANT APPLICATION: TO THE FEDERAL TRANSIT ADMINISTRATION FOR THE SUNLINK TUCSON MODERN STREETCAR PROJECT

1. Report from City Manager NOV20-12-439 CITY WIDE
2. Resolution No. 21969 relating to Transportation; authorizing and approving the submission of a Federal Transit Administration (FTA) - Capital Investment Grant Application (Section 5309) for the SunLink Tucson Modern Streetcar Project in the amount of \$4,012,440 per Grant #AZ-55-0001; and declaring an emergency.

Roger Randolph, City Clerk, read a correction into the record for this item. He said the Grant number in Resolution 21969, #AZ-55-0001 was incorrect and should read #AZ-95-X022.

It was moved by Vice Mayor Kozachik, duly seconded, and passed by a roll call vote of 6 to 0 (Council Member Uhlich absent/excused), that Consent Agenda Items a – g, with the correction to Item g, and the exception of Item f, which was continued, be passed and adopted and the proper action taken.

8. **ZONING: (SE-11-04) AT&T - PARK AVENUE, R-2 ZONE, WIRELESS COMMUNICATION FACILITY, SPECIAL EXCEPTION LAND USE, CHANGE OF CONDITIONS, ORDINANCE ADOPTION AND AMENDING ORDINANCE 10914**

Mayor Rothschild announced City Manager's communication number 432, dated November 20, 2012, was received into and made part of the record. He also announced this was a request for a change of conditions and preliminary development plan for the special exception land use site located on the west side of South Park Avenue, south of Ajo Way and amending Ordinance 10914.

Mayor Rothschild asked if the applicant, or representative, was present and agreeable to the proposed requirements.

Michael Fries, President of FM Group, Inc., the applicant for AT&T Wireless, agreed to the requirements.

Mayor Rothschild asked the City Clerk to read Ordinance 11037 by number and title only.

Ordinance No. 11037 relating to zoning; a special exception land use - Wireless Communications Facility Use - SE-11-04 AT&T - Park Avenue - approximately 0.3 mile south of Ajo Way on the west side of South Park Avenue; amending conditions of approval in Ordinance 10914 for the construction of a 65-foot tall monopalm cell tower in the R-2 zone; and setting an effective date

It was moved by Council Member Fimbres, duly seconded, and passed by a roll vote of 6 to 0 (Council Member Uhlich absent/excused), to approve the request as recommended by the Zoning Examiner and pass and adopt Ordinance 11037.

9. BOARDS, COMMITTEES AND COMMISSIONS: APPOINTMENT TO THE CIVIL SERVICE COMMISSION

Mayor Rothschild announced City Manager's communication number 440, dated November 20, 2012, was received into and made part of the record.

Mayor Rothschild asked the City Clerk to read Resolution 21971 by number and title only.

Resolution No. 21971 relating to the Civil Service Commission; appointing Alex Rodriguez as a Civil Service Commissioner to fill the existing vacancy caused by the resignation of Jose Ramirez, for a term expiring on March 26, 2013; fixing annual compensation; and declaring an emergency.

It was moved by Council Member Cunningham, duly seconded, and passed by a roll vote of 6 to 0 (Council Member Uhlich absent/excused), to approve the appointment of Alex Rodriguez as a Civil Service Commissioner, and pass and adopt Resolution 21971.

10. APPOINTMENTS TO BOARDS, COMMITTEES AND COMMISSIONS

Mayor Rothschild announced City Manager's communication number 437, dated November 20, 2012, was received into and made part of the record.

Mayor Rothschild asked if there were any personal appointments to be made.

Council Member Scott announced her personal appointment of Carla Dominice-Newton to the Public Art and Community Design Committee (PACDC).

11. ELECTIONS: CANVASSING THE RETURNS AND DECLARING THE RESULTS OF THE CITY OF TUCSON BOND SPECIAL ELECTION HELD NOVEMBER 6, 2012 (CONTINUED FROM THE MEETING OF NOVEMBER 14, 2012)

Roger Randolph, City Clerk announced that the Canvass was still not available so the item would be continued to a date yet to be determined.

12. ADJOURNMENT: 5:57 p.m.

Mayor Rothschild announced the next regularly scheduled meeting of the Mayor and Council would be held on Tuesday, December 4, 2012 at 5:30 p.m., in the Mayor and Council Chambers, City Hall, 255 West Alameda, Tucson, Arizona.

MAYOR

ATTEST:

CITY CLERK

CERTIFICATE OF AUTHENTICITY

I, the undersigned, have read the foregoing transcript of the meeting of the Mayor and Council of the City of Tucson, Arizona, held on the 20th day of November 2012 and do hereby certify that it is an accurate transcription.

DEPUTY CITY CLERK

RWR:rjy:rg